

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MATTHEW BOROWSKI,

Plaintiff,

v.

23-cv-257

CUSTOMS AND BORDER PROTECTION,

Defendant.

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**DECLARATION**

**MARY K. ROACH**, makes this declaration under penalties of perjury, pursuant to 28 U.S.C. Section 1746:

1. I am an attorney duly licensed to practice in the State of New York and before this Court, and I am an Assistant United States Attorney in the Western District of New York.

2. I represent Defendant Customs and Border Protection (“CBP”) in this action.

3. I make this Declaration to bring to the Court’s attention the fact that the Amended Administrative Record (“AAR”) filed with my Declaration on July 18, 2024 (ECF 45) did not show the show the color-coded redactions of Plaintiff’s personally identifiable information (“Plaintiff’s PII”). Instead, by mistake, the version of the AAR filed with my July 18, 2024, Declaration showed all redactions, including those relating to Plaintiff’s PII, in black.

4. Specifically, in my July 18, 2024, Declaration, I stated that redactions of Plaintiff’s PII were noted in blue on the AAR filed with the Declaration. I also asserted that the AAR contained redactions of information which was protected by the deliberative process privilege, information consisting of law enforcement sensitive techniques and procedures and

the personally identifiable information of CBP personnel, and third parties. These redactions were noted in black.

5. Instead, by mistake, the version of the AAR filed with my July 18, 2024, Declaration showed all redactions, including those relating to Plaintiff's PII, in black.

6. I am filing with this Declaration, the version of the AAR which shows redactions of PII in blue and all other redactions in black.

7. A copy of the AAR without the redactions of Plaintiff's PII was mailed to Plaintiff by regular mail on July 18, 2024.

DATED: Buffalo, New York, September 23, 2024

S/MARY K. ROACH  
Assistant U.S. Attorney